REMARKS

Claims 1-24 are pending in the above-referenced patent application (this "Application").

Claims 1-24 have been rejected in this Application.

No claims have been amended in this Application.

Claims 1-24 remain pending in this Application.

This Application has been carefully considered in connection with the Office Action. Reconsideration of the claims is respectfully requested. A copy of the claims is provided in APPENDIX "A" for the convenience of the Examiner.

WRITTEN DESCRIPTION – – 35 U.S.C. §112

In the Office Action, the Examiner rejected Claims 1-24 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the Application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

Section 112, first paragraph, provides that the "specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."

The test for determining compliance with the written description requirement is whether the disclosure of the Application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language. MPEP § 2163; *In re Kaslow*, 707 F.2d 1366, 1375, 217 U.S.P.Q. 1089, 1096 (Fed. Cir. 1983); *In re Edwards*, 558 F.2d 1349, 1351, 196 U.S.P.Q. 465, 467 (CCPA 1978); *In re Herschler*, 591 F.2d 693, 701, 200 U.S.P.Q. 711, 717 (CCPA 1979). To satisfy the written description requirement, the claimed invention need not be expressed *ipsis verbis* in the original specification. MPEP § 2163; *In re Wertheim*, 541 F.2d 257, 262, 190 U.S.P.Q. 90, 96 (C.C.P.A. 1976) ("It is not necessary that the application describe the claim limitations exactly, . . . but only so clearly that persons of ordinary skill in the art will recognize from the disclosure that appellants invented processes including those limitations."); *In re Wright*, 866 F.2d 422, 425, 9 U.S.P.Q.2d 1649, 1651 (Fed. Cir. 1989) ("[T]he claimed subject matter need not be expressed *in haec verba* in the specification in order for that specification to satisfy the written description requirement.").

The Office Action states, regarding Claim 1, that:

> it is not clear what exactly is "the color temperature." How exactly "the color temperature" can be measured? Is it the intensity of the electron beam of the CRT that generates heat? Why does applicant refer to "the color temperature," but not the color intensity? What is the difference between the "color temperature", the not the color intensity? What is the difference between the "color temperature", the color intensity, and the brightness of the pixel?

The Applicant asserts that the phrase "color temperature" is a well-known term to those skilled in the relevant art. The undersigned performed an Internet search using the search string "color temperature" and "display", which resulted in more than 30,000 hits. With respect to the Examiner's remaining above-identified questions concerning Claim 1, the Applicant respectfully takes the position that answers to such questions are not necessary to an understanding of the claimed invention nor are such answers necessary to a proper response to this Office Action. The specification stands on its own and unnecessary discussion of answers to such questions may reasonably lead to prosecution history estoppel issues that may unnecessarily damage the Applicant.

The Office Action further states that Claim 1 recites a limitation, "modifying a value of at least one pixel within said selected portion to increase the color temperature of said at least one pixel," and questions "if there were three colors (R, G, B) in a pixel, how exactly one could increase the temperature of the Green color only within increase the temperature of the Red and Blue colors? What exactly is the 'white color temperature'?"

The Applicant asserts that the phrase "white color temperature" is also a well-known term to those skilled in the relevant art. With respect to the Examiner's remaining above-identified questions concerning Claim 1, the Applicant again respectfully takes the position that answers to such questions are not necessary to an understanding of the claimed invention nor are such answers necessary to a proper response to this Office Action. The specification stands on its own, and unnecessary discussion of answers to such questions may reasonably lead to prosecution history estoppel issues that may unnecessarily damage the Applicant.

The Office Action, regarding Claims 2 and 3, further states that

> it is not clear how exactly the color temperature of a portion of the CRT screen and the color temperature of a LCD screen can be increased.

The Applicant again respectfully takes the position that answers to such questions are not necessary to an understanding of the claimed invention nor are such answers necessary to a proper response to this Office Action. The specification stands on its own and unnecessary discussion of answers to such questions may reasonably lead to prosecution history estoppel issues that may unnecessarily damage the Applicant.

The Office Action, regarding Claim 4, further states that

> if there were three colors (R, G, B) in a pixel, how exactly one could increase the temperature of the Green color only without increasing the temperature of the Red and Blue colors? What exactly is the "white color temperature"?

The Applicant again respectfully takes the position that answers to such questions are not necessary to an understanding of the claimed invention nor are such answers necessary to a proper response to this Office Action. The specification stands on its own and unnecessary discussion of answers to such questions may reasonably lead to prosecution history estoppel issues that may unnecessarily damage the Applicant.

The Office Action, regarding Claim 5, asks again "what exactly is the 'white color temperature'?" The Applicant asserts again that the phrase "white color temperature" is also a well-known term to those skilled in the relevant art.

The Office Action, regarding Claim 6, asks:

> what type of device can be used to measure a low RGB temperature from a high RGB temperature? What is the temperature range between the measured high color temperature and the measured low color temperature?

The Applicant again respectfully takes the position that answers to such questions are not necessary to an understanding of the claimed invention nor are such answers necessary to a proper response to this Office Action. The specification stands on its own and unnecessary discussion of answers to such questions may reasonably lead to prosecution history estoppel issues that may unnecessarily damage the Applicant.

The Office Action, regarding Claim 7, asks whether:

> the 'color shift controller increases the color temperature of said at least one pixel relative to a color temperature of a background of said display screen'? What is the temperature range between the pixel and the background of the display screen?

The Applicant again respectfully takes the position that answers to such questions are not necessary to an understanding of the claimed invention nor are such answers necessary to a proper response to this Office Action. The specification stands on its own and unnecessary discussion of answers to such questions may reasonably lead to prosecution history estoppel issues that may unnecessarily damage the Applicant.

The Examiner rejected Claims 8 to 24 on the same basis as he has rejected Claims 1 to 7. For the above-given reasons, the Applicant asserts that the rejection of Claims 1-7 and 8-24 35 U.S.C. §112, first paragraph, has been overcome. In addressing the Examiner's rejection, the Applicant respectfully requests, if any outstanding issues concerning the above-described rejection persist, that the Examiner provide a statutory basis for his rejection.

Nothing in the patent laws, rules, or Manual of Patent Examining Procedure require that all terms or acronyms be specifically defined, only that it "be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same." The Examiner has not established a reasonable basis to question the enablement provided for the claimed invention.

Therefore, the rejection of Claims 1-24 under 35 U.S.C. §112, first paragraph, has been overcome.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***wmunck@davismunck.com***.

No fees are believed to be necessary. In the event that any fees are required for the prosecution of this Application, the Commissioner is hereby authorized to charge any additional fees connected with this communication to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: April 14, 2003

William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75240
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *wmunck@davismunck.com*